Request for Telephone Interview and Agenda for
Application No.: 10/576,212 with Examiner Dwight Alex C. Tejano, Group Art Unit: 2622

I would like to schedule a telephone interview for the week of 7/19. I will be out of town the week of 7/12. You can leave me a message next week at 202-721-5436. Here's the agenda.

We proposed to amend Claim 5 to recite that when the capturing unit captures a key image to be used as a retrieval key of the retrieval operation, the retrieving unit performs the retrieval operation using the key image. We also propose to amend Claim 5 to recite that the capturing unit further captures an image during the retrieval operation and the retrieving unit does not perform a new retrieval operation using a new key image when the capturing unit captures the new key image in response to pressing the shutter button only during the retrieval operation.

In contrast, the citations to Darrell et al., Kubo, and Teicher are not understood to disclose or suggest that a capturing unit captures an image during the retrieval operation and a retrieving unit does not perform a new retrieval operation using a new key image when the capturing unit captures the new key image in response to pressing the shutter button only during the retrieval operation, as recited by amended Claim 5.

The Office Action admits that the Darrell et al. and Teicher citations do not show a capturing unit capable of capturing an image during a retrieval operation, where no new retrieval is initiated. For that reason, the Office Action cites the Kubo publication. But this publication is understood to merely disclose a digital camera that a) has a memory card 40a and a magnetic disk card 49b, b) in response to detecting a release operation, captures an image into an image memory 21, and writes the captured image into the memory card 40a or the magnetic disk card 40b read from the image memory, c) cannot capture the next image unless the digital camera removes the current image from the image memory, d) uses the memory card 40a as a buffer memory in the event the magnetic disk card 40b is a target disk for storing the image, thereby reducing the waiting time for capturing the next image, since the memory card is faster than the magnetic disk, and f) if any one of the memory card and the magnetic disk is used for any other process, the other one is used as a buffer, thereby quickly releasing the image memory. In other words, the Kubo citation is understood to merely teach that the digital camera uses one of its storing media as the buffer to reduce the waiting time by quickly removing the current image from the image memory, thereby suggesting parallel writing to different media. As a result, this citation is not understood to perform image retrieval and image capture in parallel. Moreover, when there is an instruction for image capturing, the Kubo citation is understood to perform image capturing and image writing simultaneously. In contrast, amended Claim 5 recites that the retrieving unit does not perform a new retrieval operation using a new key image when the capturing unit captures the new key image in response to pressing the shutter button only during the retrieval operation. Thus, these two operations are not performed simultaneously.

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The Office Action cites paragraph [0139] as disclosing that while one recording medium is processing and saving, the camera functions for image capture are still available to the user to capture and save onto the other recording medium. But this paragraph is not understood to disclose or suggest that <u>during a retrieval operation for a key image when a new key image is captured, a new retrieval operation using the new key image is not performed in response to pressing shutter button only during this retrieval operation</u>, as can be seen by reviewing Fig 11 and this paragraph, which is reproduced here:

> [0139] FIG. 11 shows a form of parallel processing performed on the recording medium 40d which is not the subject of recording. The CPU 17 performs the first task execution which is shown in FIG. 7, thereby to record a captured image, which has been generated in response to a photographing operation and temporarily stored in the image memory 21, on the recording medium 40c selected as a subject of recording. On the other hand, the CPU 17 carries out the second task execution in parallel with the first task execution on the condition that the image memory 21 has free space, thereby to perform the task shown in FIG. 7 in parallel. Such parallel processing enables the execution of a photographing operation in the background of the task of recording a captured image on the recording medium 40c which is the subject of recording.

Since amended Claim 5 is understood to recite at least one feature not disclosed or suggested by the citations to <u>Darrell et al., Kubo</u>, and <u>Teicher</u>, Applicants submit that the Office has not yet satisfied its burden of proof to establish a prima facie case of obviousness against amended Claim 5. Therefore, Applicants respectfully request that the rejections of amended Claim 5 be withdrawn.

5. (Currently Amended) A digital camera comprising:
a capturing unit that captures a subject image;
a storing unit that stores the subject image captured by said capturing unit on a storage medium; and
a retrieving unit that performs a retrieval operation of an image from the subject image stored on the storage medium,
wherein said capturing unit captures a generic image to be retrieved or a key image to be used as a retrieval key of the retrieval operation according to the operation of a shutter button, and
wherein, ~~in the event~~ <u>when</u> the capturing unit captures a key image to be used as a retrieval key of the retrieval operation, the retrieving unit ~~starts~~ <u>performs</u> the retrieval operation using the key image, and

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wherein the capturing unit ~~is capable of capturing~~ <u>further captures</u> an image during the retrieval operation and the retrieving unit does not ~~initiate~~ <u>perform</u> a new retrieval operation using a new key image ~~even though~~ <u>when</u> the capturing unit captures the new key image in response to pressing the shutter button <u>only</u> during the retrieval operation.

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